



AGRICULTURAL ADVISORY COMMITTEE

September 8, 2017

The Honorable Roger Berliner
Montgomery County Council President
100 Maryland Avenue
Rockville, MD 20850

Dear Council President Berliner: ZTA 17-06-Agricultural Zone-Transfer of
Development Rights (TDR)

On behalf of the Montgomery County Agricultural Advisory Committee-AAC we want to thank the County Council for this opportunity to provide our comments in support of ZTA 17-06 Transfer of Development Rights (TDR) with three friendly amendments.

Montgomery County is recognized as a national leader in farmland preservation by the creation of the Agricultural Reserve including our Transfer of Development rights program. Since 1980, the TDR program has encountered some bumps along the road and each time the County has pulled stakeholders together to address the issue and keep the TDR program moving forward.

The need for this ZTA 17-06 represents another bump in the road and it will help to preserve farmland in the Agricultural Reserve and it will reinstate the traditional policy where TDRs are not retained for dwellings that remain accessory to the farm. The Agricultural Advisory Committee has reached out to all the stakeholders for input on the three amendments that will help to clarify potential issues.

We anticipate that productive discussions on the merits of the amendments will be conducted during the Planning Housing and Economic Development Work Session.

Here is a summary of three amendments using the July 25, 2017 Public Hearing Draft:

On lines 40-41, the Farm Labor Housing Unit-FLHU includes up to 3 mobile homes. On lines 54-55 the maximum number of tenants in a single dwelling is limited by well and septic capacity.

The Zoning code limits the number of FLHU mobile homes to three, but there is no limit on the number of FLHU single family detached dwelling.

The AAC recommends there should be consistency in zoning code that provides flexibility in determining how many FLHU mobile homes might be needed to support a farm enterprise. The AAC recommends that line 40-41 should be amended to read as follows: Farm Labor Housing Unit includes [up to 3] mobile homes.



On lines 58-62 a FLHU unit in existence before June 1, 1958 may be rented to a tenant other than an agricultural worker, if the dwelling meets all applicable health and safety regulations.

The AAC recommends that additional language is needed to address cases where the existing unit is destroyed by a fire or some other natural disaster.

The AAC recommends the following language should be added on line 62 as follows: In the event a FLHU unit in existence before June 1, 1958 is rebuilt, the rebuilt unit may be rented to a tenant other than an agricultural worker. The rebuilt unit cannot exceed the size of the existing unit or 1,500 square feet whichever is larger.

On lines 69-71 the owner must record the covenant before filing an application for a building permit for the FLHU unit.

The AAC questions why the owner must record a covenant with no assurance the application for the building permit will be approved.

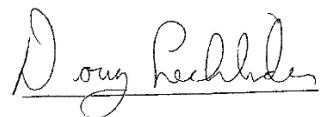
The AAC recommends that lines 69 through 71 should be amended to read as follows: The owner must sign the covenant and submit it to the reviewing agencies as part of filing an application for a building permit. The owner must record the covenant prior to the issuance of the Use and Occupancy Permit for the unit.

The Agricultural Advisory Committee believes these amendments are necessary for a smoother administrative process and greater clarification for cases involving Farm Labor Housing Units.

The AAC thanks Councilmember Nancy Floreen for sponsoring this ZTA 17-06 and we encourage the County Council and all stakeholders to support it with the recommended amendments.

We will be prepared to discuss these amendments further during the County Council Work Session scheduled on October 9, 2017.

Sincerely,

A handwritten signature in cursive script, reading "Doug Lechliden", written in black ink.

Doug Lechliden, Vice Chairman of the AAC

Cc: Isiah Leggett, County Executive